IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 682 OF 1977

The Board of Trustees of the
Port of Bombay. ...Plaintiffs

Versus

Radha Krishna Gupta ...Defendant

Mr. Manjee i/b. Mula & Mulla for the Plaintiffs.

None for Defendants.

CORAM: S.K.SHAH,J.

DATE : 21st June,2006.

P.C.

1. The suit is undefended against the defendants. The plaintiffs have filed the documents in support of the claim. The claim of the plaintiffs is for demurrage charges before before confiscation of the goods by the Customs Authorities. The consignment belonging to the defendants landed at the Docks from the ship s.s. "Exbrook". It was a consignment of 21 cases of glass lenses and flat glass manifested under Item No.AM 204 of IGM No.13950. The said 21 cases were consigned to the defendants as the owner thereof. The defendants failed and neglected to take delivery of the said cases within 7 days from the date of

landing thereof.

2. On 4.11.1974, the Customs Authorities confiscated those cases. By letter dated 21.3.1975, the plaintiffs made a demand of Rs.48,345/- being the demurrage charges pre-confiscation of goods. Since the defendants failed to pay the amount, they filed the present suit.

3. In additino to the above, the plaintiffs have in September 1974 effected another consignment of 56 cases containing flat glasses manifested also arrived in September, 1974. The same was also confiscation by the Customs Authorities. They demanded demurrage charges of Rs.20,400/-, but the defendants failed to paythe same. Ultimately, they demanded a sum of Rs.68,745/- but the defendants failed and neglected to pay the same. Therefore, the plaintiffs filed the suit for recovery of the said amount.

4. In support of their claim, the plaintiffs have produced Working Sheet in respect of 21 cases as also Working Sheet in respect of 26 cases which mention the date of arrival and claimed the amount of demurrage charges bya registered notice of demand of the plaintiffs.

5. These documents therefore, establish the claim of

the plaintiffs as against the defendants.

6. Hence, the Suit is decreed in terms of prayer clauses (a) & (b) of the plaint.

Decree be drawn accordingly.

(S.K.SHAH,J.)